



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, March 26, 2009, 7:30 p.m.
777 B Street, Hayward, CA 94541**

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chair Lavelle.

ROLL CALL

Present: COMMISSIONERS: McKillop, Márquez, Mendall, Peixoto, Thnay, Loché
CHAIRPERSON: Lavelle
Absent: COMMISSIONER:

Commissioner Thnay led in the Pledge of Allegiance.

Staff Members Present: Conneely, Patenaude, Buizer, Philis

General Public Present: 14

PUBLIC COMMENTS

Gail Lundholm, Hayward resident, introduced herself and invited the Commission to TransForm's 12th Annual Summit.

PUBLIC HEARING

1. Route 238 Bypass Land Use Study Draft Environmental Impact Report

Senior Planner Sara Buizer provided background on the three land use alternatives discussed in the Draft Environmental Impact Report (Draft EIR). The final EIR will be produced after the 45-day public comment period ends April 16th. Staff will then make a land use recommendation in late April with the formal recommendation scheduled to go before the Planning Commission in May. The City Council will review all recommendations in June.

Commissioner Peixoto thanked Ms. Buizer for the report and asked how the methodology used to calculate the service demands, specifically police and fire, was developed. He also wanted to know how the financial resources to support that service demand were identified. He said the City's optimum service ratio of 1.5 sworn police officers to every 1000 residents seemed low, especially because Council has said Hayward is becoming more urban than suburban. He would like to see the ratio reconsidered based on the changing demographics resulting from the proposed higher density housing projects. Ms. Buizer indicated that the ratio was standard for a City the size of Hayward.

He expressed concerned because he hasn't seen a fiscal analysis identifying sufficient revenue streams to support the additional service demands for the different land use options. He requested that staff prepare a budget that includes known revenue sources available to fund the increased services.

Commissioner Mendall asked staff if any of the land use options included in the Draft EIR would be out of compliance with the City's Hillside Design Guidelines that limit development to land at a 25% grade or lower. Ms. Buizer said she could review the alternatives and report back to the Commission on her findings.

Commissioner Thnay asked if utilizing a form-based code was considered when preparing the alternatives. He said that rather than a piecemeal approach, he thinks the City should use an overall vision that considers complimentary land uses. Ms. Buizer replied that, in this case, the report is only looking at properties owned by CalTrans and not the area as a whole. She said staff considered surrounding land uses to avoid any incompatibilities, and coordinated with Alameda County where jurisdictional boundaries meet to avoid any conflicting uses.

Commissioner Marquez asked for more information on the alternative that includes a school. Ms. Buizer said Alternative C, which includes the former Carlos Bee quarry, has a designation for public facilities. That was based on information provided by the Hayward Unified School District that Bret Harte Middle School might relocate to the area to work with Cal State University East Bay to create a college-prep middle school. A neighborhood plan also supported a school in that area, thus staff included that potential in Alternative C to support those efforts.

Commissioner Loche asked why only Alternative C includes mention of coordinating with the County's Eden Area and Castro Valley draft General Plans to develop unincorporated lands. Ms. Buizer said the different alternatives in the Draft EIR looked at different aspects of development (Alternative A looks at the economic impacts of the land uses; Alternative B, the community was making recommendations on potential land use designations; and Alternative C includes land use recommendations for unincorporated County properties). Only Alternative C considers designations of county properties outside of Hayward's "sphere of influence". The City has been working with the County to develop a Memorandum of Understanding that will determine what land uses will be selected not only for current vacancies but for future developments. She clarified that for properties within the City the best use will be selected.

Commissioner Mendall requested that staff provide a map that shows where the 200-foot above sea level line is throughout the City, but especially in reference to properties included in the Draft EIR.

Chair Lavelle thanked Ms. Buizer for the clarity of her report on such a complex project. She expressed concern about the lack of mitigation available to control traffic at the intersection of Mission Boulevard and D Street. Regarding mitigations for public services, on page 19 of the report, she asked for clarification between the mitigations for fire and police and if taxes paid by property owners would cover services from both. Ms. Buizer said the mitigations were the same for both fire and police and fees collected via a community facility district which would cover costs for both.

Chair Lavelle then asked about the Class I bike path mentioned on page 145 called the East Bay BART Greenway. The pedestrian/bicycle path would follow the BART right of way from Hayward to Oakland. Ms. Buizer confirmed the project is being undertaken by Urban Ecology to work with the cities to create a continuous bike path. Chair Lavelle was very supportive of the idea.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, March 26, 2009, 7:30 p.m.
777 B Street, Hayward, CA 94541**

Chair Lavelle said that the report mentions historical structures and a preservation park possibly at A and Fourth Streets. She asked staff to explain what a preservation park is and who would build it. Ms. Buizer said there are historic homes on several of the CalTran properties and they could potentially be moved to one site, or preservation park, where they won't necessarily be used as homes but possibly offices. Alternative B provides the most information about the park which was suggested at a community meeting. Ms. Buizer said recommendations from the Commission and City Council would determine if development of the park will move forward.

Chair Lavelle asked how the South Hayward Design Concept Plan factored into the Draft EIR. Ms. Buizer said it was considered especially in Alternative A. Alternative B varied the land uses per community feedback, and Alternative C was based on feedback not only from the community but from staff and Council Members. Alternative C includes more open space designations.

At approximately 8:05 p.m. Chair Lavelle opened the public hearing for comments.

Charlie Cameron, Hayward resident, said the transportation routes shown in the Draft EIR are incorrect. He was upset that the Commission and City Council are making decisions based on inaccurate information. He said the mini loop needs to be completed based on accurate information before the Route 238 improvements can begin.

Gail Lundholm, Markham Court, spoke in favor of the Quarry Village design in Alternative A. She prefers Alternative B overall, but she would choose Alternative A just because of Quarry Village. The positive aspects of Quarry Village really puts Hayward on the map in terms of smart growth, she said. Instead of more parking it would include an electric bus that circulates between Quarry Village, CSUEB and BART. In Alternative B the suggested use for the quarry is a school, but the school district conducted a study a few years ago and the final recommendation was to restore Bret Harte rather than rebuild.

Sherman Lewis, Hillcrest Avenue, prefers starting with Alternative B and then bringing elements from the other alternatives into it. He expressed concern about the impact displacement could have on residents living on the CalTrans properties if not properly mitigated. The Quarry Village area currently has eight occupied houses and he's concerned they won't be able to purchase another home based on the compensation they are given. He presented the Commissioners with a letter that discusses fire and traffic access and the range of housing densities proposed for the site. He said the City should be the Master Developer after the homes are purchased. Since the price of land has gone down, the City should negotiate an option to get the land cheap from CalTrans. He pointed out that Quarry Village is designed to have minimal service costs and because it's a quarry, slopes have been replaced by large flat areas of solid rock. He indicated that he had more to discuss but ran out of time.

Commissioner Mendall told Mr. Lewis that he would love to see a project similar to the Quarry Village and he asked Mr. Lewis why they couldn't do that near the South Hayward BART station. Mr. Lewis said the City should do both: Quarry Village and a South Hayward BART station

development. Mr. Lewis said he's frustrated with the state because Proposition 1C funds should be available for alternative transit as well as parking structures. Regarding Quarry Village, it is a "historical accident" that such a large buildable parcel just happens to be in between Cal State East Bay and BART thus giving the City an opportunity to develop the entire corridor in a less car-dependent fashion.

Commission Mendall asked him about the feasibility of marketing that type of community. Mr. Lewis said he's spoken to a marketing group out of Concord that said his project would work in Oakland, Berkeley or San Francisco, but not in Hayward because of past land use decisions. He said the first major expense in developing Quarry Village is getting the City to approve it so the State can issue a conditional report and a marketing company can begin to sell the units. If enough units sell in a six month to one year period the project would move forward, if not, an alternative project with half the density and "a lot of parking" would be developed.

Audrey LaPell, Ocie Way resident, president of CATS (Citizens for Alternative Transportation Solutions), said it's because of her group that there's not a freeway going through Hayward. Her concerns include transportation, historic preservation and open space. She said she's served on several historical commissions and five homes on the CalTrans land near A, B, and C Streets are eligible for the National Historic Registry. The homes are "truly handsome Victorians" and should be protected. Regarding open space, she encourages Commissioners to recommend as much as possible in future projects in this area. She also recommends keeping two-way traffic on A Street rather than one-way as proposed for the mini loop and develop landscaping policies that allow as much water as possible to go down to the aquifer. In conclusion she encourages developments like Quarry Village which include lots of landscaping and alleviates dependency on cars.

At 8:20 p.m. Chair Lavelle closed the public speaking portion of the meeting.

Commissioner Loché expressed a preference for Alternative B because in relation to the Hayward fault line, it had the least amount of impact. He said everyone who makes decisions about development in Hayward, and the Hayward hills, needs to keep the fault in the forefront of their thinking as they move forward.

Commission Thnay pointed out that when comparing the amount of traffic generated by the different Alternatives, Alternative B creates the least amount of new traffic. He thinks Quarry Village looks interesting but to build it will take a lot of convincing. He pointed out that east of Mission Boulevard, there are no alternatives to Mission when travelling north to south. He asked what can be done to create some alternatives for the proposed new residents rather than depending on Mission.

Commissioner Thnay would like to see some beautification to the median of Mission Boulevard as it is rather unsightly. He sees this project as a great opportunity to do something great for Hayward. Rather than a piecemeal approach, the City should plant more attractive landscaping as part of the process of improving the entire corridor.

Commissioner Mendall said he loves Alternative B. He said higher density housing along Mission is acceptable, but the hills should remain uncluttered. He is highly favorable of the proposed bike trail that would connect the cities and thinks it should be separated from main roads as much as



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, March 26, 2009, 7:30 p.m.
777 B Street, Hayward, CA 94541**

possible. He hopes that whatever staff recommends for future development doesn't conflict with the City's hillside guidelines. He would like to see a formed-based code used in some of the areas planned for development. He asked for confirmation from staff regarding the intentions of the school district in terms of Bret Harte middle school. Once that is determined, he said he would like to try the Quarry Village concept because, if it doesn't work, there is already an alternative in place. He said the project could be fairly revolutionary and should be tried somewhere in Hayward.

Chair Lavelle said the amount of information provided by the report is overwhelming. She said she doesn't have a preference yet between the alternatives, but all are better than a freeway. She said the improvements being discussed now are really positive ones for Hayward. She hopes staff will continue to work with CalTrans to keep the residents currently renting homes on CalTrans land in Hayward. She complimented staff on the integration of the many different sources of information collected to product the Draft EIR. She was pleased that staff utilized and considered everything from the Climate Action Plan to the Housing Element to neighborhood plans adopted 20 years ago.

She said the summary at the beginning of the Draft EIR lists nine project objectives to explain to the public why this project was undertaken. She highlighted Objective Number 2 which states the report will provide a degree of certainty to residents and businesses located near Route 238 regarding future land uses. Chair Lavelle said the one thing she's learned serving on the Commission is that there really isn't certainty when it comes to land use, but it does make sense to broadly define what the residents want to see for the future of Hayward.

Commissioner Mendall agreed with Chair Lavelle that land use decisions are not set in stone, and he pointed out that it is very difficult to downsize an area once a higher density is selected. He urges the City to choose the more conservative approach.

Chair Lavelle reiterated the next steps in the development process and encouraged audience members to send in comments now.

ADDITIONAL MATTERS

2. Oral Report on Planning and Zoning Matters

Planning Manager Richard Patenaude told the Commissioners that at the April 23 meeting that staff's preferred alternative from the Draft EIR will be brought before them. In response to earlier comments, Mr. Patenaude said a formed based code is being considered for the South Hayward BART area and also for the remainder of the Mission Boulevard corridor toward the north. Regarding the historic structures and the preservation park he reminded them that the City is currently working on a Historic Resources Survey and a Preservation Plan and a consultant will be conducting a survey in the next few days. The results of the survey will go to the Commissioners in the fall.

Mr. Patenaude reported that the City Council approved the Montana-Wittek project and the Landscape Guidelines that were previously reviewed by the Commission. Commissioner Mendall asked if Council made any significant changes to either and staff said no.

Commissioner McKillop asked if staff recommendations regarding the historic homes on the CalTrans property would be discussed at the next meeting. Mr. Patenaude said no, once the integrity of the buildings is determined they would still need to be reviewed under CEQA.

3. Commissioners' Announcements, Referrals

None.

APPROVAL OF MINUTES

4. March 12, 2009 minutes were unanimously approved.

ADJOURNMENT

Chair Lavelle adjourned the meeting at 8:40 p.m. in memory of the Oakland Police Officers killed last week. She took the opportunity to thank Hayward police officers and firefighters for the protection they provide and all the work they do.

APPROVED:

Rodney Loché, Secretary
Planning Commissioner

ATTEST:

Suzanne Philis, Senior Secretary
Office of the City Clerk